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4 JAMES M. SWANSON,
5 Plaintiff,
6 v.
7 ALZA CORPORATION,
8 Defendant.

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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6 Case No. 12-cv-04579-PJH (KAW)

7 ORDER TERMINATING 8/20/14 JOINT
8 LETTER; ORDER STRIKING ALZA'S
9 9/4/14 SUPPLEMENTAL BRIEF

10 Dkt. Nos. 208 & 214

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12 On August 20, 2014, the parties submitted their ninth joint letter, and eleventh discovery
13 dispute. (8/20/14 Joint Letter, Dkt. No. 208.) In this joint letter, Defendant ALZA seeks a
14 protective order to postpone discovery, including noticed depositions, until the Court rules on its
15 motion for summary judgment. *Id.*

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17 On September 3, 2014, the district court denied Plaintiff's motion to amend his
18 inventorship contentions. (*See* Minute Entry, Dkt. No. 212.) Since the September 3rd order, as
19 well as the district court's June 26, 2014 order limiting discovery, may significantly narrow or
20 resolve the dispute outlined in the August 20, 2014 Joint Letter, the letter is TERMINATED.

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22 The parties are ordered to meet and confer regarding whether there is a need to go forward
23 with any or all of the noticed depositions. If the parties are unable to resolve this dispute without
24 court intervention, they shall submit another joint letter. If the parties' differing interpretations of
25 the district court's June 26, 2014 order limiting discovery in any way affects the undersigned's
26 resolution of a subsequent joint letter, the parties must seek clarification from the district court. In
27 an abundance of caution, the undersigned declines to speculate based on the representations of the
28 parties in order to avoid potentially contradicting the district court. Any clarification shall be

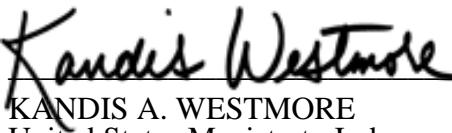
1 sought and obtained prior to submitting a subsequent joint letter. If that clarification resolves the
2 dispute, the Court trusts that the parties will resolve the dispute informally.

3 Additionally, the Court strikes ALZA's Supplemental Discovery Letter Brief (Dkt. No.
4 214), because the Court did not request supplemental briefing.

5 The parties are directed to review Section 9 of the Northern District's Guidelines for
6 Professional Conduct regarding discovery, available online at
7 http://cand.uscourts.gov/professional_conduct, prior to filing any further joint letters.

8 IT IS SO ORDERED.

9 Dated: September 5, 2014


10 KANDIS A. WESTMORE
11 United States Magistrate Judge

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United States District Court
Northern District of California